

REMARKS

Applicant has amended paragraphs [0107] and [0130] of the Specification to correct typographical errors. The Specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Applicant has amended claims 1-2 and 5-7. Claims 9-20 have been canceled and new claims 21-32 have been added. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(b), 103(a) and 112 rejections as set forth in the Office Action dated March 22, 2006. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has objected to claims 1, 2, 7, 12 and 14 for the inclusion of a blank line. Applicant has amended claims 1, 2, and 7 to include the ATCC Accession Number and has canceled claims 12 and 14. Withdrawal of this objection is respectfully requested.

The Examiner has rejected claims 1-20 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of the copending U.S. Application No. 10/412,724. In the interest of expediting prosecution of this application, Applicant submits herewith a Terminal Disclaimer form in compliance with 37 CFR 1.321(c). Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically, the Examiner has rejected claims 1, 2, 7, 12 and 14 as being indefinite for the recitation of "6190006". Applicant has amended claims 1, 2 and 7 to include the ATCC Accession Number and has canceled claims 12 and 14. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 6 for improper antecedence. Applicant has amended claim 6. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 7 for the recitation of "is capable of expressing" as it renders the claim indefinite. Applicant has amended claim 7 as suggested by the

Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 11 as being indefinite in that it appears to be missing a step. Applicant has canceled claim 11. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 12 as being indefinite for the recitation of "The method for producing a soybean variety 6190006-derived soybean plant" renders the claim indefinite. Applicant has canceled claim 12. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 9-15 and 20 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 9-20. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has amended claims 1, 2 and 7 to include the ATCC Accession Number. Additionally, the undersigned avers that:

- (a) access to the invention will be afforded to the Commissioner during the pendency of the application;
- (b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- (c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;
- (d) the viability of the biological material at the time of deposit was tested; and
- (e) the deposit will be replaced if it should ever become inviable or when requested at ATCC.

Accordingly, withdrawal of this rejection is respectfully requested.


The Examiner has rejected claims 9-11, 13 and 15 under 35 U.S.C §102(b) as

anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Shannon et al (U.S. Patent 6,011,204, issued January 4, 2000). Applicant has canceled claims 9-11, 13 and 15. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 20 under 35 U.S.C §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over McCabe et al. (Bio/Technology, 1988, Vol.6, page 923-926). Applicant has canceled claim 20. Withdrawal of this rejection is respectfully requested.

Applicant has submitted in a separate document the Request for Information under 37 C.F.R §1.105, in which the information is identified as a Trade Secret.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102(b), 103(a) and 112. Reconsideration of this application and an early notice of allowance are respectfully requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE			DATE	July 24, 2006	
Address	Jondle & Associates P.C. 858 Happy Canyon Road, Suite 230				
City	Castle Rock	State	CO	Zip Code	80108
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898